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Grace J. Fishel
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St. Louis, MO 63146

Re: Patent Term Extension
Application for
U.S. Patent No. 5,070,080

WITHDRAWAL OF APPLICATION FOR PATENT TERM EXTENSION

This is in reply to the "Response to Requirement for Election," filed June 5, 2006, of the application for patent term extension for U.S. Patent No. 5,070,080, (Neutersol® (zinc gluconate)). Since Applicant expressly elected U.S. Patent No. 4,937,234 for patent term extension (PTE) under 35 U.S.C. 156, the present application for PTE is considered to be non-elected.

The present application is hereby withdrawn and the request for patent term extension of U.S. Patent No. 5,070,080 is dismissed.

Any correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Patent Term Extension
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-0100

Telephone inquiries related to this determination should be directed to Mary C. Till at (571) 272-7755. E-mail inquiries should be directed to mary.till@uspto.gov.

Kerry A. Fishel
Kerry A. Fishel
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cc: Office of Regulatory Policy
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RE: Neutersol (zinc gluconate)
FDA Docket No.: 03E-0405

Attention: Beverly Friedman